



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,546	12/22/2000	Nathan H. Jorgenson	9D-EC-19585 - Jorgenson	6866

7590 06/25/2004

ENRIQUE J. MORA
BEUSSE, BROWNIEE, BOWDOIN & WOLFER, P.A.
390 NORTH ORANGE AVENUE, SUITE 2500
ORLANDO, FL 32801

EXAMINER

WEBB, JAMISUE A

ART UNIT PAPER NUMBER

3629

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,546

Applicant(s)

JORGENSEN, NATHAN H.

Examiner

Jamisue A. Webb

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to Amendment filed 5/6/04.

Claim Objections

1. Claims 1 and 6 are objected to because of the following informalities: The applicant has added the phrase “to a point of shipment receipt”, which is included with the verifying step, does the applicant mean “at a point of shipment receipt”? Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has added the step of “communicating without human intervention said exceptions and/or notations from said point of receipt to said server”. The specification does not state that any communication is done without any human interaction and in fact states that a human will enter into a website the errors in the shipment. Which the examiner considers to be human interaction needed to input the notations/exceptions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4-6, 9-11, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik et al. (5,758,329) in view of Knoll et al. (3,155,234) and Vaidyanathan et al. (US 2004/0059596).

6. With respect to Claims 1, 4, 6, 9, 11, and 14: Wojcik discloses the use of a system for managing customer orders. The system includes a software program on a PC platform (column 4, lines 25-27), which takes purchase orders (or packing slip data) and enters and stores them into a central customer order management function (column 4, line 59 to column 5, line 8). The orders then go to an order consolidation function, where they are compared to the supplier data to see if there is a full truckload or if the loads can be consolidated or not (column 8, line 16-37). The database is then updated with the order consolidation information as well as carrier selection information (column 10, lines 24-41). Once the order is now released a pick ticket (or packing slip) is printed (column 12, 21-33). The pick ticket is then verified by what is loaded onto the truck and exceptions/notations are entered (column 12, lines 45-49) and then compared to the order and information such as weight and quantity is then is then updated in the system and a Bill of Landing and Invoice is generated (column 12, lines 45-65). The order is then shipped to the

Art Unit: 3629

customer where the contents are checked and any exceptions/notations are reported to the supplier at the point of shipment (column 13, lines 16-26) as well corrected by the supplier.

7. Wojcik however fails to disclose the error reporting to the supplier being done automatically without the use of human interaction. Vaidyanathan discloses the use of an automated dispute resolution program over the Internet that can be used between a consumer and seller to determine if any errors are present and need to be resolved (see abstract, page 2 paragraph 0010). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the error reporting step of Wojcik, to be automatic and online, as disclosed by Vaidyanathan, in order to improve the speed and efficiency that disputes are handled and to provide a consistent and fair handling of disputes. (See Vaidyanathan, Page 2).

8. Wojcik also fails to disclose the packing slip being attached to the product actually shipped. Knoll, discloses that it is well known in the art that packing slips as well as invoices travel with the products being shipped and discloses a secure envelope used to attach the shipping information, or invoice, directly to the package itself (column 1, lines 9-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the invoice of Wojcik be attached to the actual shipment as disclosed in Knoll, in order to attach the invoice so that it can be quickly and securely attached, and allows for immediate identification of the contents of the shipment. (see Knoll, column 1).

9. With respect to Claims 5, 10 and 15: See Column 13, line 38-39 and Column 15, lines 35-45.

Art Unit: 3629

10. Claims 2, 3, 7, 8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojcik, Knoll and Vaidyanathan as applied to claim 1 above, and further in view of Spindler (5,509,538).

11. With respect to Claims 2, 3, 7, 8, 12 and 13: Wojcik discloses products on the pick ticket are located by SKU, however never specifically state they are bar-coded information not does Wojcik disclose that the data is retrieved by scanning the barcode. Spindler discloses that it is old and well known in the art that SKUs in fact are barcode type identifiers (column 1, lines 32-36) and discloses the identifying products is done by scanning a barcode SKU (column 5, lines 49-57). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have the SKUs of Wojcik be a barcode SKU and scanned for identification purposes, as disclosed by Spindler, in order to provide instant identifying information such as type, size and color of goods to the user (see Spindler, column 1, and column 5).

Response to Arguments

12. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection. The applicant has argued the fact that Wojcik and knoll do not disclose the added limitation of "without human intervention", the current rejection now addresses that limitation.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

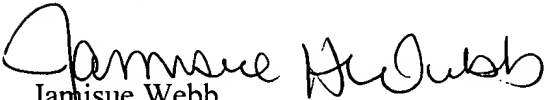
14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Szymusiak et al. discloses shipment error proofing systems.

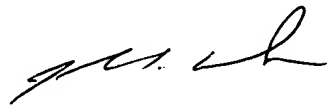
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Janisue Webb


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600